

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, September 21, 1925.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, and Searight, 4; absent, Councilman Nolen.

A committee composed of Ed Robinson and other prominent citizens of Austin appeared before the Council and commended the work accomplished in the City Cemeteries by Councilman Searight and J. W. Pfeffer, City Sexton.

Councilman Searight moved that J. W. Pfeffer be retained as City Sexton. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Searight, 4; nays, none, Councilman Nolen absent.

Mayor Yett stated that the question of imposing a penalty would be considered at some future session of the Council.

Councilman Haynes submitted to the Council the following contract:

"THE STATE OF TEXAS |
 | KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS. |

That this contract and agreement made and entered into this day by and between the City Council of the City of Austin, Texas, Party of the First Part, and J. W. Maxwell, an attorney of Austin, Texas, Party of the Second Part:

W I T N E S S E T H :

That the said City Council hereby employs the said J. W. Maxwell to collect, by suit or otherwise, all delinquent taxes due on personal property, not assessed and paid in connection with real property, and all occupational taxes that have been assessed or that may hereafter be assessed and become due the said City of Austin for the year 1924 and all prior years, together with all penalties, interest and costs due thereon.

In consideration of the services heretofore rendered and that may be hereafter rendered by the said J. W. Maxwell, the said City Council of the said City of Austin hereby agrees to pay to the said Maxwell twenty per cent (20%) of all such taxes, interest, penalties and costs paid in cash to the City Tax Assessor and Collector, of the City of Austin, for the year 1924, and all prior years, against all persons, firms and corporations who owe, or may hereafter owe, taxes on personal property not assessed and paid in connection with real property and occupational taxes to the said City for said years.

It is understood that the said Maxwell shall use his best efforts to collect all such taxes on personal property without suit; to furnish said City Assessor and Collector of Taxes with all information that he can secure as to personal property that should be assessed, but which for any cause was left off the tax rolls for 1924, or any year prior thereto; and in case of suit, to prepare all petitions and legal papers and to file such suits, as special City Tax Attorney for Austin, in the name of the City of Austin, and to prosecute such suit to a final termination; provided, however, that the said Maxwell shall consult with the City Commissioner of Receipts, Disbursements and Accounts with reference to the filing of such suits. It is further agreed that the said Maxwell shall receive his commission as herein provided, on all suits filed by him during the life of this contract although such taxes, interest, etc., should not be paid until after the time provided for in this contract. In other words, the said Maxwell shall be entitled to receive his 20% attorney's fees, as herein provided, on taxes, etc., collected on all suits filed by him, although the actual collection of the taxes, etc. is not made and the money paid to said Tax Collector until after the expiration of the year provided for in this contract. This contract is a substantial renewal of a contract between the City of Austin and J. W. Maxwell dated about the 18th day of June, 1924, and expiring about June 18th, 1925.

This contract shall commence on the 1st day of October, 1925, and continue in full force and effect till the 1st day of October, 1926.

Witness our hands in duplicate at Austin, Texas, on this the 21st day of September, 1925.

CITY OF AUSTIN, TEXAS,

BY (Sgd) W. D. Yett, Mayor, Party of the
First Part

(Sgd) J. W. Maxwell, Party of the Second
Part.

Attest: (Sgd) Joe Hornsby,

Austin City Clerk "

Councilman Haynes moved that the above contract be approved and the Mayor authorized to sign same. Motion prevailed by the following vote: Ayes, Mayor

Yett, Councilmen Avery, Haynes, and Searight,⁴; naves, none, Councilman Nolen absent.

Councilman Haynes introduced the following resolution:

WHEREAS, there appears to the City Council of the City of Austin that there is a large amount of unpaid taxes on real estate due the City by sundry parties for the year 1924; and

WHEREAS, there is an urgent public necessity for the immediate enforcement of collection of said taxes; and

WHEREAS, the City Council deems it necessary to exert every possible means to enforce the immediate and present collection of said unpaid taxes; and

WHEREAS, under and by virtue of the powers conferred on said City Council of the City of Austin by the City Charter, the duties of the Assistant City Attorney and his compensation shall be prescribed by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Harry B. Barnhart, Assistant City Attorney, be and he is hereby instructed, as a part of his duties as Assistant City Attorney, to immediately proceed to collect, by suit or otherwise, all taxes of every kind and character on real property, and all personal property where assessed with such real property, due the City of Austin for the year 1924, and the said Harry B. Barnhart, Assistant City Attorney, being hereby instructed to immediately proceed to demand the payment of taxes by all parties delinquent for such year, and where necessary, to file suits for such taxes and to prosecute same to final judgment, and to foreclose the City's tax lien against all such delinquent property and against all parties interested therein, and to sell such property according to law, and to take every lawful method to quickly and without delay enforce the collection of such taxes so due, as aforesaid, and in every manner protect the City's rights appertaining thereto.

BE IT ALSO FURTHER RESOLVED that the said Harry B. Barnhart, Assistant City Attorney, shall receive as his compensation for such duties and services above mentioned, and shall be entitled to ten per cent (10%) on all such taxes, interest and penalties, due the City of Austin for the year 1924, collected and (or) paid to the City Tax Collector, and which are now due the said City of Austin, whether such taxes, interest and penalties, either or all, or any part thereof, are paid to such City Tax Collector before suit or afterwards, and said ten per cent so received by the said Harry B. Barnhart, Assistant City Attorney, shall apply to all collections and payments of such 1924 taxes, interest and penalties, made on and after October 1, 1925, no matter to whom paid, nor in what manner collected

BE IT FURTHER RESOLVED that the duties and instructions hereinbefore set forth to be performed by the said Harry B. Barnhart, Assistant City Attorney, and the compensation hereinbefore mentioned shall be received by him, as above outlined, shall be and are in addition to his present duties as Assistant City Attorney which have been rendered by him in the past, and are in addition to the duties, instructions and compensation prescribed in resolution of the City Council dated September 16th, 1924, appertaining to the collection of certain 1923 taxes, all of which duties he shall continue to perform, and such compensation, hereinbefore mentioned, shall be in addition to his present salary, and in addition to his compensation prescribed in said resolution of date September 16 1924, which said salary and compensation prescribed in said resolution of date

September 16th, 1924, he shall continue to receive, according to the 1925 budget and provisions of said resolution.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Searight, 4; naves, none, Councilman Nolen absent.

The Council then adjourned.

Joe Yett
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 24, 1925.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; absent, none.

The Minutes of the last meeting were read and adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; naves, none.

Councilman Haynes nominated Joe Denton as Assistant City Sanitary Inspector to serve without pay. Nomination was confirmed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; naves, none.

The following communication of J. W. Maxwell was read:

"Austin, Texas, September 22, 1925

Hon. City Council of Austin,
Austin, Texas.

Gentlemen:

Upon investigation I find that the delinquent taxes due the City of Austin, on personal property not assessed in connection with real estate, for the year 1924, consists largely of taxes due on autos, small business concerns, insolvent parties and chronic delinquents, and it would require a great deal of work and much litigation to make collections and many claims are for various reasons uncollectible.

I do not think that one would be justified and repaid for the time and trouble in making these collections for the amount of the fees received therefor.

I would therefore respectfully ask that I be allowed to withdraw the contract for the collection of delinquent taxes on personal property for the year 1924, made by your city council on yesterday, the 21st instant, and that said contract be considered as null and void.

Thanking you in advance for your prompt action in this matter, I am,

Yours very truly,

(Sgd) J. W. Maxwell."

Mayor Yett moved that the above communication be laid on the table. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; naves, none.

C. E. Booth appeared before the Council and asked that an ordinance be prepared prohibiting the parking of automobiles for a distance of 125 feet on Wichita Street north of 19th Street. Councilman Avery moved that the matter be referred to the City Attorney for investigation and report back to the Council. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; naves, none.